

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

MICHAEL DALE RAY

PLAINTIFF

vs.

CIVIL ACTION NO. 3:09-CV-95 HTW-MTP

UNITED PARCEL SERVICE, and
BOB PEDULLA

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes on pursuant to the Report and Recommendation of United States Magistrate Judge Michael T. Parker and the written objection to the proposed findings and recommendation. Based upon the evidence therein contained, this court, having given full consideration to the aforesaid objection, finds the same not well taken. Therefore, the Report and Recommendation of the United States Magistrate Judge is hereby adopted as the order of this court.

This court grants plaintiff's Motion to Dismiss [54] and defendant Pedulla be dismissed without prejudice; grants defendant's Motion for Summary Judgment [60] and that this matter be finally dismissed with prejudice; grants plaintiff's Motion for Leave to File Supplemental Brief [94]; grants plaintiff's Motion to Allow Supplemental Deposition [95] as to plaintiff's alternative demand for relief; and denies defendant's United Parcel Services' Motion to Strike [98].

SO ORDERED, this the 30th day of September, 2013.

**s/ HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE**